

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (original) A foam-like preparation in the form of an emulsion comprising a continuous phase, a discontinuous phase, and a gas, wherein the continuous phase comprises a thickening system being formed by the continuous phase and a thickening agent, and wherein the discontinuous phase comprises a structuring agent, wherein the thickening system has a miscibility gap with a lower critical temperature which is above the use temperature of the preparation.
2. (original) A preparation according to claim 1, wherein the dynamic viscosity of the preparation is in a range of 1 to 10,000 mPa.s, preferably 1 to 3,500 mPa.s.
3. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 1, wherein the continuous phase is an aqueous phase comprising water or an aqueous medium.
4. (original) A preparation according to claim 3, wherein the aqueous medium is a mixture of water and a hydrophilic solvent.
5. (original) A preparation according to claim 4, wherein the aqueous medium is a mixture of water and monovalent or

polyvalent short-chain alcohols.

6. (original) A preparation according to claim 1, wherein the thickening system is formed by an aqueous medium and a cellulose derivative.
7. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 1, wherein the proportion of the thickening agent in the thickening system is 0.5 to 5% by weight.
8. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 1, wherein the discontinuous phase is an oil phase ~~which is made up of fat like, oil like and/or wax like substances~~ selected from the group consisting of fats, oils, waxes and mixtures thereof.
9. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 8, wherein the oil phase comprises 20 to 100% wax and 0 to 80% oil and/or fat.
10. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 1, wherein an emulsifier is contained in the emulsion.
11. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 10, wherein ~~an~~ the emulsifier ~~with~~ has a HLB value of between 3 and 8 ~~is contained as the emulsifier.~~

12. (original) A preparation according to claim 10, wherein a non-ionic emulsifier is included.
13. (original) A preparation according to claim 10, wherein the emulsifier is a glycerine ester which is esterified with one or more long-chain fatty acids.
14. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 3, wherein a co-solvent is contained in the aqueous phase.
15. (currently amended) A preparation according to ~~one of the preceding claims wherein~~ claim 1, further comprising, a polymeric film-forming agent ~~is additionally included~~.
16. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 15, wherein an aqueous polymer dispersion with a solids content of 10 to 70% by weight is contained as the film-forming agent.
17. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 15, wherein the film-forming agent is present in a proportion of 0 to 50% by weight.
18. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 1, wherein a colouring agent, in ~~particular an~~ selected from the group consisting of inorganic and/or dyes, organic ~~dye and/or a pigment~~ additionally included dyes, pigments and mixtures thereof.

19. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 1, wherein the gas selected from the group consisting of ~~included is~~ air, a ~~protective gas selected from~~ nitrogen, helium, neon, argon, krypton, xenon, carbon dioxide, ~~and/or~~ dinitrogen monoxide, a hydrocarbon gas, ~~an ether and/or~~ ether, oxygen ~~or~~ , ozone and mixtures thereof.
20. (currently amended) A preparation according to ~~one of the preceding claims which comprises~~ claim 19, wherein the gas is present in an amount of between 20 to 40 % by volume ~~of a gas~~.
21. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 1, wherein the foam has bubbles of a mean size of 0.005 to 0.5 mm.
22. (currently amended) A preparation according to ~~one of the preceding claims~~ claim 1, wherein the ~~final preparation is of~~ has a density in the range of 0.7 to 0.9.
23. (currently amended) A process for the production of a foam-like preparation, ~~wherein~~ comprising the steps of:
- a) producing a continuous phase ~~is produced by the~~ by mixing at least one solvent ~~or solvents of the continuous phase being mixed~~ with a thickening agent at ambient temperature,
  - b) producing a discontinuous phase which contains a structuring agent ~~is produced~~, to which an emulsifier is optionally added,
  - c) heating the continuous and the discontinuous phase ~~are~~

~~heated~~ to a temperature above ~~the~~ a critical temperature of the thickening system and ~~mixed,~~ mixing the heated phase to produce an emulsion being produced, and

d) agitating the emulsion ~~is agitated until it has cooled down during cooling.~~

24. (original) A process according to claim 23, wherein an aqueous phase is prepared as the continuous phase and an oil phase is prepared as the discontinuous phase.

25. (original) A process according to claim 24, wherein an O/W emulsion is produced, by

a) producing an aqueous phase by mixing water with a thickening agent at ambient temperature,

b) producing an oil phase by a procedure whereby wax is melted optionally with oils and fats, an emulsifier is added to the wax phase, the oil phase is added to the aqueous phase and an emulsion is produced, and the emulsion is agitated with the addition of gas until it has cooled down.

26. (currently amended) A process according to one of claims 23 to 25, wherein after production of the emulsion, gas is incorporated by agitation.

27. (currently amended) A process according to ~~one of claims 23 to 26~~ claim 26, wherein 20 to 40% by volume of gas is introduced.

28. (currently amended) A process according to one of claims 23 to 27 claim 25, wherein, after formation of the emulsion the , temperature-sensitive constituents are added.
29. (currently amended) A process according to ~~one of claims 23 to 28~~ claim 28, wherein a thickening agent is added to the continuous phase in ~~such~~ an amount that the emulsion obtained has a gel network temperature of  $\geq 60^{\circ}\text{C}$ .
30. (currently amended) A process according to ~~one of claims 23 to 29~~ claim 25, wherein the agitation rate at which the emulsion is agitated upon cooling is adjusted such that pores of a predetermined size are produced.
31. (original) A process according to claim 30, wherein the agitation rate is adjusted such that pores of a size in the range of 0.005 to 0.5 mm are produced.